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El Salvador

Biotechnology

Annual Agricultural Biotechnology Report

2005

Approved by:

Stephen Huete
Agricultural Counselor

AgSanSalvador

Prepared by:

Miguel Herrera
Agricultural Specialist

Report Highlights:

At this time the only law that specifically regulates biotech products in El Salvador is the Planting Seed Law, effective 9/01. This law requires imported seeds to carry a phytosanitary certificate with an additional declaration from the country of origin stating that the seeds do not contain Genetically Modified Organisms (GMO's). The Environment Law, effective 5/98, provides guidance on assessing the environmental impact of GMO's. There is no regulatory process in place for approving products of agricultural biotechnology for import or sale, although El Salvador ratified the Cartagena Protocol in 12/03. Through a project financed by the Global Environment Fund (GEF), the Government of El Salvador (GOES) has developed a proposal for a Special Ruling for the Safe Use of GMO's that is currently under public review before being presented to the National Assembly for approval and ratification.

Includes PSD Changes: No
Includes Trade Matrix: No
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Executive Summary

El Salvador is a net food importer. White corn, red kidney beans and rice are major staples. U.S. is the main supplier of yellow corn for feed, rice, wheat, vegetable oil, tallow, soybean meal and cotton among other products.

Currently there are no restrictions on imports of agricultural biotechnology products. The only law that regulates trade of biotech products is the Planting Seed Law that became effective in September 2001. This law's Title IV – Final and Transitory Dispositions, Chapter I, Article 30 states that it is prohibited to import, conduct research, produce or commercialize Genetically Modified Organism (GMO) seeds.

The other law that addresses biotechnology is the Environment Law, effective May 1998. Article 21 (ñ) provides regulations for carrying out environmental impact studies to determine if GMO's are harmful to the environment and Article 68 provides guidance on procedures to create bio-safety norms. El Salvador also ratified the Cartagena Protocol and this has been in effect since December 25th, 2003.

El Salvador's biotechnology regulatory system is still under development. The Environment Ministry conducted a project financed by the Global Environment Fund (GEF) and the United Nations Environment Program from July 2002 to August 2004 to define the legal framework for a law that would provide guidance for proposals to regulate GMO's and also define coordination among the Ministries of Agriculture, Environment and Health regarding biotechnology (See Section III. Biotechnology Policy).

Main applications for biotechnology have been in the cultivation of vegetable tissue and propagation of vegetable materials In Vitro. The Ministry of Agriculture's National Center for Agricultural and Forestry Technology (CENTA) is the main GOES institution offering tools to develop improved crop varieties. CENTA has mainly focused on creating improved white corn, rice and red kidney bean varieties to increase productivity.

Section II. Biotechnology Trade and Production

El Salvador does not produce any biotechnology crops and there are no crops under development that would be in the market in the coming year. El Salvador does not produce biotechnology crops developed outside the U.S. that have not passed through the U.S. regulatory system. El Salvador, however, does import biotechnology products mainly from the U.S.; these are yellow corn, white corn, soybean meal, cotton and corn-soy blend (CSB).

El Salvador has been a food aid recipient for the past decade and continuous to receive food aid assistance from the U.S. and Europe. Wheat, soybean meal, yellow corn and vegetable oil are the main commodities imported to El Salvador as food aid assistance.

Section III. Biotechnology Policy

As mentioned before, the regulatory framework for agricultural biotechnology is in the development stage in El Salvador. Through the GEF-funded project, the GOES has written a proposal for a regulatory framework that includes national policy for biotechnology, a national policy for bio-safety, an administrative and regulatory system for imports of GMO's, a decision making support system, and, a mechanism for social participation and consultation. All these components are currently under public consultation, especially the "Special ruling for the safe handling of GMO's" whose objective is to provide the environmental permit for any activity or project that implies genetic handling or production of GMO's.

This initiative was complemented by the creation in 2003 of the National Bio-safety Commission composed of members of the GOES Ministries of Agriculture (MAG), Environment (MARN) and Public Health (MSPAS), the National Commission for Science and Technology (CONACYT), and private sector representatives. An additional effort has been the creation of El Salvador's Biotechnology Clearing House (BCH-El Salvador), available at the MARN's web site <http://www.marn.gob.sv/>.

Under the proposed regulatory framework, the MARN would be the GOES institution in charge of enforcing the safe handling of GMO's and coordinating with MAG and MSPAS on appropriate bio-safety applications.

Currently there is no list of approved biotechnology crops for food, processing, feed or environment. Also, Article 30 of the Seed Law prohibits field-testing of biotechnology crops.

El Salvador requires labeling for packaged foods mainly for health and consumer information. Nutrition facts and ingredient lists are part of the label. There is no requirement at this time for GMO labeling. For additional information on labeling regulations please refer to www.fas.usda.gov under Attaché Reports and search for El Salvador's Food and Import Regulations and Standards (FAIRS) report.

El Salvador signed and ratified the Bio-safety Protocol also known as the Cartagena Protocol on April 23, 2003 and has been in force since December 25, 2003. There is no impact on trade at this time due to the Protocol rules.

The only biotechnology-related trade barrier is the Seed Law that prohibits commercialization of GMO seeds. This law is monitored and enforced by the Animal/Plant Inspection Division (DGSVA) of MAG. It requires the phytosanitary certificate on imported seeds to have an additional declaration from the country of origin stating that the seeds do not contain Genetically Modified Organisms (GMO's). Imported seed is inspected and a quality analysis is done to verify if it complies with what is described in the product label. The fine for failure to comply is based on 100 to 5,000 times the daily agricultural minimum wage in effect on the date that the penalty is imposed (currently USD 264.26 to USD 13,200.00). However, according the Foundation for Agricultural Technological Innovation (FIAGRO), there is a request under review to either eliminate Article 30 of the current seed Law or modify the language so that biotech seeds can be imported and be used to develop agriculture overall.

Progress towards implementing biotechnology laws and regulations has been slowed by a lack of access by the legislative branch to scientific information about biotechnology. In addition, political party agendas may affect the ability of the government to obtain approval from the National Assembly for new government policies.

Section IV. Marketing Issues

There are no obstacles to marketing biotechnology products in El Salvador at this time. Being a densely populated developing nation, El Salvador must rely on imported food to satisfy local demand. The U.S. is the main trading partner for El Salvador and U.S. products are regarded as being of higher quality than others available in the market and also safe to consume.

Biotechnology is not a main priority of the government and consuming public, and food safety issues that could affect product marketing are more related to food borne diseases.

Section V. Capacity Building and Outreach

So far there have been no U.S. Government or USDA-funded capacity building or outreach activities carried out in El Salvador. The 2004 Food for Progress Government-to-Government donation Agreement makes funds available to finance up to five Norman Borlaug Fellowships to train researchers, scientists, faculty members and policy and regulatory officials on agricultural topics.

El Salvador would benefit from training to raise the knowledge and capacity to apply transparent science-based regulations to agricultural biotechnology. The Ministries of Agriculture, Environment and Health could benefit from this training, as well as standard and regulatory setting agency CONACYT. Topics such as traceability and coexistence could be included in this training.

Section VI. Reference Material**AGRICULTURAL BIOTECHNOLOGY REPORT****APPENDIX A. TABLE OF APPROVED BIOTECHNOLOGY PRODUCTS**

N/A